

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 19, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RICHARD SANDERS,

Plaintiff,

v.

WESTERN EXPRESS, INC.,

Defendant.

No. 1:20-CV-03137-SAB

**ORDER GRANTING SECOND
STIPULATED MOTION FOR
EXTENSION OF TIME TO FILE
RESPONSIVE PLEADING;
DISMISSING MOTIONS AS
MOOT**

Before the Court is Defendant's Stipulated Motion for Extension of Time to File Responsive Pleading, ECF No. 11. The motion was considered without oral argument. In response to Defendant's Motion to Dismiss, ECF No. 8, Plaintiff filed his First Amended Complaint on November 11, 2020. Defendant's current deadline to respond to the First Amended Complaint is November 25, 2020. Due to the Thanksgiving holiday, the parties conferred and agreed to extend Defendants' time to respond. The Court finds good cause to grant the motion.

In addition, the Court notes that the filing of Plaintiff's First Amended Complaint supersedes the original complaint in its entirety and moots Defendant's Motion to Dismiss and Motion to Change Venue. *See Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015) (citing *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997), *overruled on other grounds by Lacey v.*

**ORDER GRANTING STIPULATED MOTION FOR EXTENSION OF
TIME TO FILE RESPONSIVE PLEADING; DISMISSING MOTIONS AS
MOOT * 1**

1 *Maricopa Cty.*, 693 F.3d 896, 928 (9th Cir. 2012)). Thus, those motion are denied
2 without prejudice.

3 Accordingly, **IT IS ORDERED:**

4 1. Defendant's Stipulated Motion for Extension of Time to File Responsive
5 Pleading, ECF No. 11, is **GRANTED**.

6 2. Defendant shall file a responsive pleading no later than **December 4,**
7 **2020**.

8 3. Defendant's Motion to Change Venue, ECF No. 7, is **DENIED without**
9 **prejudice as moot**.

10 4. Defendant's Motion to Dismiss, ECF No. 8, is **DENIED without**
11 **prejudice as moot**.

12 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
13 this Order and to provide copies to counsel.

14 **DATED** this 19th day of November 2020.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

20 Stanley A. Bastian
21 Chief United States District Judge
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